



CITY OF COEUR D'ALENE
WASTEWATER UTILITY DEPARTMENT

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November 13, 2007

Via E-mail and U.S. Mail (kkoc461@ecy.wa.gov)

Richard A. Koch, P.E.
Department of Ecology
State of Washington
N. 4601 Monroe
Spokane, WA 99205

Re: Draft NPDES Permit City of Spokane Riverside Park Reclamation Facility

Dear Mr. Koch:

The City of Coeur d'Alene appreciates the opportunity to comment on the draft NPDES permit for the City of Spokane Riverside Park Water Reclamation Facility, Spokane County Flows and Pretreatment Programs, NPDES Permit WA 002447-3.

Coeur d'Alene has a substantial interest in how Washington state and EPA Region 10 ultimately decide to address low DO in the Spokane River and how those decisions are implemented. Coeur d'Alene's wastewater treatment facility discharges to the upper Spokane River in Idaho that flows into the downstream Washington portion of the River.

The draft permit effluent limits are based on the 2007 draft TMDL DO waste load allocations ("WLAs") and load allocations ("LAS"). The load allocations are derived from a model that assumes upstream controls for Idaho dischargers, including the City of Coeur d'Alene's wastewater treatment plant, at levels contained in draft NPDES permits issued for public comment by EPA Region 10 in February 2007. These permits are not yet final.

Although the draft TMDL does not establish WLAs for the Idaho dischargers to the River, the Idaho and Washington sources that contribute to the problems of low DO in the River are part of the same water basin and are all part of the solution as well.

The Spokane draft permit purports to implement the draft DO TMDL 2007. The ultimate purpose of the Spokane River DO TMDL is to attain the DO standard in the receiving water. The draft permit and fact sheet for the City of Spokane facility describe how Ecology is proposing to implement the WLA's allocated to the City. Ecology is proposing an adaptive management approach that does not include new water quality based effluent limits or compliance schedules for any of the parameters that cause or

contribute to the exceedence of the DO standard in this first five year permit term or presumably in the second 5 year term. The following excerpt from the Fact Sheet describes this proposal:

Based on the TMDL technical reports, the stoichiometric relationship of phosphorus, ammonia and CBOD embedded in the computer models and verified by calibration exercises, the Foundational Concepts assumes that efforts to control phosphorus will also serve to control CBOD and ammonia (i.e. phosphorus treatment technology will result in effluent ultimate CBOD and ammonia concentrations below applicable WLAs). This assumption will be continually evaluated as data is collected during the first ten years of the MIP.

The 10th year assessment will determine the necessity, if any, for further reductions in phosphorous, CBOD and ammonia in order to achieve the water quality standards for dissolved oxygen. *As such, the proposed permit does not contain either final effluent limits based on WLAs or compliance schedules for CBOD and ammonia. If necessary, compliance with the ultimate CBOD and ammonia WLAs will be addressed in the second ten years of the MIP.* The Department expects that all principles of the MIP directed toward phosphorus removal will also result in CBOD and ammonia control and reduction. These would include elements such as WLA targets expressed as pounds per day, delta elimination, pollutant trading, etc. For total phosphorus, the 2017 and 2027 target WLA is 3.49 lbs/day (10µg/L at 41.76 mgd) in 2017 and 4.24 lbs/day (50.77 mgd) in 2027. For the first five year permit cycle, the Foundational Concept document requires the permit be issued with total phosphorus effluent limits adjusted based on performance history. For the proposed permit, enforceable terms will also include the obligation to start, continue, and/or complete certain target pursuit actions as described in the section "Implementation of Foundational Concepts" found below.

Additionally, the permits will specify that a goal of achieving an equivalent of an effluent phosphorus concentration of 10 µg/l phosphorus by the end of the following (second) permit cycle (i.e., in 10 years).

Draft permit Fact Sheet, at 20 (emphasis added).

The City of Coeur d'Alene has also submitted comments on the draft DO TMDL for the Spokane River which are attached and incorporated herein.

Ecology should explain the regulatory and legal basis for proposing draft permits for the City of Spokane and the other Washington discharges to the River that do not contain final effluent limits and compliance schedules.

Ecology should explain this decision as it relates to Ecology's apparent concurrence with EPA Region 10's decision to issue draft permits to the Idaho dischargers for the same parameters (ammonia, phosphorous and CBOD5) based on the Washington DO water quality standard but with final effluent limits and compliance schedules (or no compliance schedule in the case of ammonia).

The specific inconsistency regarding the ammonia final effluent limit set in 2004 in response to Ecology's comments on a proposed permit modification should be addressed. See the attached comment letter on the draft TMDL.

The City is disappointed in the failure of Ecology to recognize the value and scientific validity of a bi-state watershed based approach to a solution to low DO in the River that treats all the contributing sources equitably. An adaptive management approach that recognizes the uncertainties in the technology to control phosphorous from point sources should be supported by Ecology for all the dischargers not just those in Washington state.

The City is still willing to meet with Ecology and the other parties to discuss how this can be accomplished.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Sid Frederickson". The signature is fluid and cursive, with a long horizontal stroke at the end.

H. Sid Frederickson
Wastewater Superintendent